

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT AND KATHRYN KASEBURG, ET AL., )

Plaintiffs, )

vs. )

PORT OF SEATTLE, a municipal corporation; )  
PUGET SOUND ENERGY, INC., a Washington )  
for profit corporation; KING COUNTY, a home )  
rule charter county; and CENTRAL PUGET )  
SOUND REGIONAL TRANSIT AUTHORITY )

Defendants. )

No. 2:14-CV-000784-JCC

DECLARATION OF ROBERT  
JACKSON

NOTE ON MOTION CALENDAR:  
February 20, 2015

I, Robert Jackson, declare under penalty of perjury under the laws of the State of  
Washington as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts contained in this  
declaration and am otherwise competent to testify to the matters in this declaration.
2. I hold a B.A. from the University of Oregon (1977).

DECLARATION OF ROBERT JACKSON (2:14-CV-  
000784-JCC) - 1

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-0430 Fax (206) 296-8819

- 1 3. I am presently employed as a Title and Escrow Officer and Real Estate Agent III in the  
2 Acquisitions Unit of the Water and Land Resources Division ("WLRD") of the King  
3 County Department of Natural Resources and Parks. I have been employed in that  
4 capacity for over 4 years. Previously, I worked for 8-plus years as a Senior Commercial  
5 & Builder Title Officer for Stewart Title Company (2002-2010); for 13-plus years as a  
6 Senior Commercial Title Officer for First American Title (1989-2002); and for 2-plus  
7 years as a Title Operations Manager for First American Title (1996-1998).
- 8  
9 4. The Acquisitions Unit of WLRD performs property acquisition and other real property  
10 services for construction of capital projects, other county facilities, and conservation  
11 lands for the Department of Natural Resources and Parks, other King County  
12 departments, and, upon request, other groups outside King County government, including  
13 watershed-based forums.
- 14 5. In my capacity as a Title and Escrow Officer, I regularly inspect commitments for title  
15 insurance (also known as "title reports"), historical and modern deeds, maps, computer  
16 databases and GIS information, and other documents and records in connection with a  
17 given parcel of real property, to determine the nature and scope of legal interests in that  
18 particular parcel of real property.
- 19  
20 6. I am familiar with the title work that King County conducted and caused to be performed  
21 in connection with its acquisition of interests in the Eastside Rail Corridor ("ESRC"),  
22 including the segment of the ESRC at issue in the above-captioned matter (the  
23 "Corridor").

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7. The plaintiffs claim to own properties adjacent to or near the Corridor. The Corridor was initially assembled by the railroads through four deeds of conveyance and one state-law condemnation. True and correct copies of these deeds are attached to this declaration as follows:

- The “Lake Washington Land Co.” deed, recording instrument No. 287093 (attached as Exhibit A);
- The “Coleman” deed, recording instrument No. 266025 (attached as Exhibit B);
- The “Lake Washington Belt Line Co.” deed, recording instrument No. 102518 (attached as Exhibit C);
- The “Kittinger” deed, recording instrument No. 269500 (attached as Exhibit D);  
and
- State of Washington Condemnation, recording instrument No. 40536 (attached as Exhibit E).

8. Based on the title work that King County conducted in relation to the Corridor, including Exhibits A-E attached hereto, King County determined that the Lake Washington Land Co. and Coleman deeds conveyed to the railroad fee title to the strips or portions of the Corridor identified in those deeds.

9. Based on the title work that King County conducted in relation to the Corridor, including Exhibits A-E attached hereto, King County determined that the Kittinger deed conveyed to the railroad fee title to the strips or portions of the Corridor identified in that deed.

1 10. In the course of its title work, King County also acquired a set of historical right of way  
2 and track maps from BNSF Railway Company. A true and correct ledger-size (11" x  
3 17") copy of map V.8A(2) is attached hereto as Exhibit F. The valuation date stated on  
4 the map is June 30, 1917.

5  
6 11. Exhibit F shows the Kennydale-Quendall-May Creek segment of the Corridor and  
7 includes two tables labeled "Schedule of Property" that list: The kind of instruments by  
8 which the railroad acquired title to that segment of corridor; the grantor; and the date of  
9 the instruments, among other things. A true and correct copy of an enlargement of the  
10 right-hand table from Exhibit F is attached hereto as Exhibit G. Exhibit G shows that  
11 BNSF identified the Loomis and Colman deeds as warranty deeds; the Kittinger deed as a  
12 bargain-and-sale deed; the Lake Washington Belt Line Co. deed as a right-of-way deed;  
13 and the State of Washington condemnation as a condemnation.

14 12. The County purchased the Corridor in reliance on the conclusions reached in its title  
15 work.

16  
17 13. I also reviewed Exhibits A and B to Docket No. 55, which consist of a table (Exhibit A)  
18 and illustrative map (Exhibit B) that purport to correlate the Plaintiff's tax parcels with  
19 the deeds through which the railroad acquired the strip or strips of the Corridor  
20 supposedly adjacent to the Plaintiffs' parcels. The table and map are inaccurate. For  
21 some of Plaintiffs' tax parcels, Exhibits A and B appear to incorrectly identify the  
22 relevant railroad-acquisition deed, and for other parcels those exhibits appear to  
23 oversimplify what is a rather complex and sometimes overlapping alignment of property

interests (whether fee or easement) acquired by the railroad over time. Specifically, I concluded that Exhibits A and B to Docket No. 55 appear to incorrectly or incompletely correlate the railroad deeds for the portions of the Corridor adjacent to the following parcels:

<b>Plaintiffs</b> (per Docket 55 Ex. A):	<b>Tax Parcel No.</b> (per Docket 55 Ex. A):	<b>Adjacent RR Deed</b> (per Docket 55 Ex. A):	<b>Correct Adjacent RR Deed</b>
Howell, Scott and Lois	3342104009	102518	102518 and 287093
Crosetto, Frederick A.	3343302880	102518	287093
Diversity Assets, LLC	3343302875	SC 40536	SC 40536 and 287093
Komendat, Dave and Kelli	3343302030	SC 40536	102518
Peterson, Joseph and Kristin	6828100010	269500	SC 40536
Peterson, Larry and Susan	3343302060	SC 40536	SC 40536 and 287093
Miller, Frederick and Susan	6828100030	269500	269500 and 40536
Easton, Tom and Karen	3342700355	102518	102518 and 287093
Richards, Darius and Vicki	3342700330	102518	102518 and 287093
Riley, Timothy and Virginia	3342700320	102518	102518 and 287093

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1 Signed under penalty of perjury under the laws of Washington on this 2<sup>nd</sup> day of February, 2015,  
2 at Seattle, Washington.  
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5 ROBERT JACKSON  
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